



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

First Regular Session - 2023

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO PHYSICIANS AND PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1803, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1806, IDAHO CODE, TO REMOVE A REQUIREMENT REGARDING AN ANNUAL REPORT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1807, IDAHO CODE, TO REMOVE A REGISTRATION REQUIREMENT; AMENDING SECTION 39-4502, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1803, Idaho Code, be, and the same is hereby amended to read as follows:

54-1803. DEFINITIONS. As used in this chapter:

(1) "Practice of medicine" means:

(a) The investigation, diagnosis, treatment, correction, or prevention of or prescription for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality that involves the application of principles or techniques of medical science; or

(b) Offering, undertaking, or holding oneself out as able to do any of the acts described in paragraph (a) of this subsection.

(2) "Board" means the state board of medicine.

(3) "Physician" means any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine, provided ~~further~~, that others authorized by law to practice any of the healing arts shall not be considered physicians for the purposes of this chapter.

(4) "Supervising physician" and ~~"alternate supervising physician"~~ means a physician ~~who is registered with the board as set forth in board rule and who is responsible for the direction and supervision of the activities of and patient services provided by a physician assistant or graduate physician assistant licensed or unlicensed medical personnel.~~

(5) "License to practice medicine" means a license issued by the board to a person who has graduated from an acceptable school of medicine and who has fulfilled the licensing requirements of this chapter.

(6) "License to practice osteopathic medicine" means a license issued by the board to a person who either graduated from an acceptable osteopathic school of medicine subsequent to January 1, 1963, or who has been licensed by endorsement of a license to practice osteopathic medicine issued by another state and who has fulfilled the licensing requirements of this chapter.

(7) "Acceptable school of medicine" means any school of medicine or school of osteopathic medicine that meets the standards or requirements of a national medical school accrediting organization acceptable to the board.

1 (8) "Intern" or "resident" means any person who has completed a course
2 of study at an acceptable school of medicine and who is enrolled in a post-
3 graduate medical training program.

4 (9) "Physician assistant" means any person who is a graduate of an ac-
5 ceptable physician assistant training program and, who is qualified by spe-
6 cialized education, training, and experience, and who has been licensed by
7 the board to render patient services ~~under the direction of a supervising and~~
8 ~~alternate supervising physician.~~

9 (10) "Graduate physician assistant" means a person who is a graduate of
10 an approved program for the education and training of physician assistants
11 and who meets all of the requirements in this chapter for licensure, but who:

12 (a) Has not yet taken and passed the certification examination and who
13 has been authorized by the board to render patient services under the
14 direction of a supervising physician for a period of six (6) months; or

15 (b) Has passed the certification examination but who has not yet ob-
16 tained a college baccalaureate degree and who has been authorized by the
17 board to render patient services under the direction of a supervising
18 physician for a period of not more than five (5) years.

19 SECTION 2. That Section 54-1806, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 54-1806. POWERS AND DUTIES. The board shall have the authority to:

22 (1) Establish, pursuant to the administrative procedure act, rules for
23 administration of this chapter, including rules establishing procedures for
24 the receipt of complaints and for the investigation and disposition thereof.
25 Such rules shall provide for notice to a person when board staff has under-
26 taken to investigate that person and shall provide an opportunity for a per-
27 son under investigation to meet with the committee or board staff before the
28 initiation of formal disciplinary proceedings by the board.

29 (2) Conduct investigations and examinations and hold hearings as au-
30 thorized by this section and by section 54-1806A, Idaho Code.

31 (3) The board shall have the power in any investigation or disciplinary
32 proceeding pursuant to this chapter to administer oaths, take depositions
33 of witnesses within or without the state in the manner consistent with rules
34 adopted by the board pursuant to the administrative procedure act and, upon a
35 determination that there is good cause, the board shall have power through-
36 out the state of Idaho to require the attendance of such witnesses and the
37 production of such books, records, and papers as it may deem appropriate for
38 any investigation, deposition or hearing. For that purpose, the board may
39 issue a subpoena for any witnesses, or a subpoena duces tecum to compel the
40 production of any books, records, or papers, directed to the sheriff of any
41 county of the state of Idaho, ~~where~~ such witness resides, ~~or~~ may be found,
42 which subpoena shall be served and returned in the same manner as a subpoena
43 in a criminal case is served and returned. The fees and mileage of the wit-
44 nesses shall be the same as that allowed in the district courts in crimi-
45 nal cases, which fees and mileage shall be paid from any funds in the state
46 treasury in the same manner as other expenses of the board are paid. In any
47 case of disobedience to, or neglect of, any subpoena or subpoena duces tecum
48 served upon any person, or the refusal of any witness to testify to any mat-
49 ter regarding which he may lawfully be interrogated, it shall be the duty of

1 the district court of any county in this state in which such disobedience,
2 neglect or refusal occurs, or any judge thereof, on application by the board
3 to compel compliance with the subpoena by proceedings for contempt as in the
4 case of disobedience of the requirements of a subpoena issued from such court
5 or for refusal to testify therein. The licensed person accused in such for-
6 mal contested case shall have the same right of subpoena upon making applica-
7 tion to the board therefor.

8 (4) Seek injunctive relief prohibiting the unlawful practice of
9 medicine.

10 (5) Make and enter into contracts.

11 (6) Operate, manage, superintend and control the licensure of physi-
12 cians and physician assistants.

13 (7) Develop and submit a proposed budget setting forth the amount nec-
14 essary to perform its functions.

15 (8) Perform such other duties as set forth in the laws of this state.

16 (9) Provide such other services and perform such other functions as are
17 necessary to fulfill its responsibilities.

18 (10) Apply the provisions of section 12-117(5), Idaho Code, regarding
19 the assessment of costs and fees incurred in the investigation and prosecu-
20 tion or defense of a licensee under this chapter.

21 ~~(11) Prepare an annual report.~~

22 ~~(12)~~ (11) Share with the department of labor personal identifying in-
23 formation of persons licensed under the provisions of this chapter necessary
24 for the department of labor to identify workforce shortage areas in Idaho.
25 The information provided to the department of labor concerning any person
26 licensed under this chapter shall remain confidential and not subject to
27 public disclosure, as required in section 74-106, Idaho Code.

28 SECTION 3. That Section 54-1807, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 54-1807. STATE BOARD OF MEDICINE -- REGISTRATION. Interns and resi-
31 dents must register with the board prior to the commencement of any activ-
32 ities constituting the practice of medicine in this state. Registration
33 shall include disclosure of the applicant's prior education and training,
34 the program or course of study the intern or resident intends to follow, the
35 physicians or group of physicians who will supervise the program or course
36 of study and such other information as the board deems relevant. The board
37 shall reserve the right to approve any such program or course of study and
38 ~~shall require registration by the supervising physician.~~ A registration
39 fee shall be fixed by the board and registration must be renewed annually or
40 biannually.

41 SECTION 4. That Section 39-4502, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 39-4502. DEFINITIONS. As used in this chapter:

44 (1) "Advanced practice professional nurse" (APPN) means a professional
45 nurse licensed in this state who has gained additional specialized knowl-
46 edge, skills and experience through a nationally accredited program of study
47 as defined by section 54-1402, Idaho Code, and is authorized to perform ad-

1 vanced nursing practice, which may include direct client care such as as-
2 sessing, diagnosing, planning and prescribing pharmacologic and nonpharma-
3 cologic therapeutic and corrective measures, health promotion and preven-
4 tive care as defined by rules of the board of nursing. The advanced practice
5 professional nurse collaborates with other health professionals in provid-
6 ing health care.

7 (2) "Artificial life-sustaining procedure" means any medical proce-
8 dure or intervention that utilizes mechanical means to sustain or supplant a
9 vital function ~~which~~ that, when applied to a qualified patient, would serve
10 only to artificially prolong life. "Artificial life-sustaining procedure"
11 does not include the administration of pain management medication or the
12 performance of any medical procedure deemed necessary to provide comfort
13 care or to alleviate pain.

14 (3) "Artificial nutrition and hydration" means supplying food and wa-
15 ter through a conduit, such as a tube or intravenous line, where the recipi-
16 ent is not required to chew or swallow voluntarily, but does not include as-
17 sisted feeding, such as spoon feeding or bottle feeding.

18 (4) "Attending physician" means the physician licensed by the state
19 board of medicine who is selected by, or assigned to, the patient and who has
20 primary responsibility for the treatment and care of the patient.

21 (5) "Cardiopulmonary resuscitation" or "CPR" means measures to restore
22 cardiac function and/or to support ventilation in the event of cardiac or
23 respiratory arrest.

24 (6) "Comfort care" means treatment and care to provide comfort and
25 cleanliness. "Comfort care" includes:

26 (a) Oral and body hygiene;

27 (b) Reasonable efforts to offer food and fluids orally;

28 (c) Medication, positioning, warmth, appropriate lighting and other
29 measures to relieve pain and suffering; and

30 (d) Privacy and respect for the dignity and humanity of the patient.

31 (7) "Consent to care" includes refusal to consent to care and/or with-
32 drawal of care.

33 (8) "Directive," "advance directive" or "health care directive" means
34 a document that substantially meets the requirements of section 39-4510(1),
35 Idaho Code, or is a "Physician Orders for Scope of Treatment" (POST) form or
36 is another document ~~which~~ that represents a competent person's authentic ex-
37 pression of such person's wishes concerning his or her health care.

38 (9) "Emergency medical services personnel" means personnel engaged in
39 providing initial emergency medical assistance including, but not limited
40 to, first responders, emergency medical technicians and paramedics.

41 (10) "Health care provider" or "provider" means any person or entity li-
42 censed, certified, or otherwise authorized by law to administer health care
43 in the ordinary course of business or practice of a profession, including
44 emergency or other medical services personnel.

45 (11) "Persistent vegetative state" means an irreversible state that has
46 been medically confirmed by a neurological specialist who is an expert in
47 the examination of nonresponsive individuals in which the person has intact
48 brain stem function but no higher cortical function and no awareness of self
49 or environment.

1 (12) "Physician" means a person who holds a current active license to
2 practice medicine and surgery or osteopathic medicine and surgery in Idaho
3 and is in good standing with no restriction upon or actions taken against his
4 or her license.

5 (13) "Physician assistant" (PA) means any person, as defined in section
6 54-1803, Idaho Code, who is qualified by specialized education, training,
7 experience and personal character and who has been licensed by the board of
8 medicine to render patient services under the direction of a ~~supervising and~~
9 ~~alternate~~ supervising physician.

10 (14) "Physician orders for scope of treatment (POST) form" means a form
11 that satisfies the requirements of section 39-4512A, Idaho Code.

12 (15) "Physician orders for scope of treatment (POST) identification
13 device" means standardized jewelry ~~which that~~ can be worn around the wrist,
14 neck or ankle, and ~~which that~~ has been approved by the department of health
15 and welfare. Such jewelry shall be issued only to persons who have a POST
16 form complying with section 39-4512A, Idaho Code, stating that such person
17 has chosen "Do Not Resuscitate: Allow Natural Death (No Code/DNR/DNAR):
18 No CPR or advanced cardiac life support interventions" or the equivalent
19 choice.

20 (16) "Surrogate decision-maker" means the person authorized to con-
21 sent to or refuse health care for another person as specified in section
22 39-4504(1), Idaho Code.

23 (17) "Terminal condition" means an incurable or irreversible condition
24 ~~which that~~, without the administration of life-sustaining procedures, will,
25 in the opinion of a physician, result in death if it runs its usual course.

26 SECTION 5. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2023.